

Article - Natural Resources

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§4-1106.

(a) The Department may transplant oysters, shells, or other cultch from one closed area to another, transplant or otherwise utilize within the State seed oysters produced on shells or other cultch planted by the Department, or transplant or utilize any other seed oyster which may accumulate on areas where seed oysters are not likely to develop into desirable marketable oysters.

(b) (1) The Department shall have licensed oystermen in each tidewater county of this State select a county committee of five representative licensed tongers, who earn their livelihood by catching oysters, to confer with the Department concerning oyster propagation conducted by the Department in that county. Each county committee shall elect a chairman to serve on a statewide committee of oystermen to advise the Department on statewide issues concerning oyster propagation.

(2) A similar advisory committee that includes licensed dredgers shall be selected to confer with the Department concerning the propagation of oysters in the dredging areas. The committee shall elect a chairman to serve on a statewide committee of oystermen to advise the Department on statewide issues concerning oyster propagation.

(3) The Department shall appoint 5 representative, licensed oystermen of this State who earn their livelihood catching oysters by using diving apparatus as a committee to confer with the Department concerning oyster propagation conducted by the Department in the areas of the State where the catching of oysters by using diving apparatus is permitted. The committee shall select a chairman to serve on a statewide committee of oystermen to advise the Department on statewide issues concerning oyster propagation.

(4) The Department shall appoint 5 representative, licensed oystermen of this State who earn their livelihood catching oysters by using patent tongs as a committee to confer with the Department concerning oyster propagation conducted by the Department in the areas of the State where the catching of oysters by using patent tongs is permitted. The committee shall select a chairman to serve on a statewide committee of oystermen to advise the Department on statewide issues concerning oyster propagation.

(5) The term of membership for each committee is four years, except that of the original committeemen, three are to serve a four-year term and two are to serve a two-year term. Each term begins on March 1.

(6) If a vacancy occurs because a member is unable or unwilling to serve, the Department immediately shall notify in writing each member of the committee of the vacancy. The committee shall arrange for a new election to fill the vacancy. If the vacancy is not filled within 60 days after the vacancy occurs, the Department shall make the necessary appointments to fill each vacancy. When committee members are selected or when any vacancy is filled, the Department shall notify promptly the members of the General Assembly from the county of the names of the committee members selected or appointed to fill a vacancy in that county. An appointment to a vacancy in an unexpired term is limited to the remainder of the term.

(7) The Department shall prescribe by rule and regulation the time, place, and manner of selection of the oyster committees.

(8) The Fisheries Administration shall submit an annual summary of the Fisheries Research and Development Fund to the committee of oystermen for each county. The summary shall include an accounting of receipts and expenditures.

(c) The Department shall expend any fund appropriated in the budget for oyster propagation for the planting of oyster shells, other cultch, or seed oysters on natural oyster bars or seed areas, or for the purchase of necessary equipment.

(d) The Department may close without holding a public hearing any natural oyster bar in the waters of the State with the approval of the appropriate committee of oystermen.

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